United Nations E/CN.17/IFF/2000/4

Economic and Social Council

Distr.: General
23 November 1999

Original: English

Commission on Sustainable Development
Intergovernmental Forum on Forests
New York, 31 January-11 February 2000
Item 5 of the provisional agenda*
International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests (programme element III)

International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests

Report of the Secretary-General

Summary

The present document, prepared in response to the guidance received from the third session of the Intergovernmental Forum on Forests, presents an analysis of various options for international arrangements and mechanisms to further develop and implement international forest policy. Based on the intergovernmental deliberations on forests at the United Nations Conference on Environment and Development, the Intergovernmental Panel on Forests and the Forum, the document identifies:

- Sixteen programme elements that constitute the areas of priority concern that may be addressed by any future international arrangement and mechanism;
- Four principal functions that would need to be performed by any future international arrangement and mechanism: (a) policy development, (b) coordination, (c) policy implementation and (d) provision of legislative authority;
- Ten options for future international arrangements and mechanisms.

* E/CN.17/IFF/2000/1.

00-23059 (E) 240100

Taking into consideration the work of existing organizations and instruments and the outcome of the various country-led initiatives in support of the Forum, as well as the 10 identified options and the guidance provided by the Forum at its third session, the following approach is proposed for identifying options for international arrangements and mechanisms. First, all options would involve employing a combination of the four principal functions mentioned above. Second, while each option for any future arrangement and mechanism would encompass all four principal functions, at least one principal function would perform a dominant role. Third, based on the four principal functions, the 10 identified options may be grouped into the following four types of arrangements and mechanisms:

Type I. An intergovernmental forum for policy deliberations (dominant principal function: policy development);

Type II. A coordinating mechanism (dominant principal function: coordination);

Type III. A programme for forest policy implementation (dominant principal function: policy implementation);

Type IV. A legally binding instrument (dominant principal function: provision of legislative authority).

The document emphasizes that the role of an international arrangement and mechanism will depend on the principal function or a combination of functions chosen to perform a dominant role. To facilitate comparison and assist in the identification of a preferred international arrangement and mechanism, each option is described according to a common analytical framework.

At its fourth session, the Forum is expected to adopt a report on its work to be submitted to the Commission on Sustainable Development at its eighth session, in April 2000, and to include a recommendation for further action and implementation of an international arrangement and mechanism on forests beyond the year 2000. As stated in its mandate, based on that report and depending on the decision taken by the Commission at its eighth session, the Forum will engage in further action to establish an intergovernmental negotiation process on new arrangements and mechanisms or a legally binding instrument on all types of forests.

Contents

		Paragraphs	*Page*
I.	Introduction	1–7	4
II.	Preparations for the fourth session of the Forum	8–9	5
	A. Guidance from the third session	8	5
	B. Inputs received during preparation of documentation for the fourth session	9	7
III.	Overview of main elements and functions	10–18	7
	A. Possible elements for international action on forests	10–11	7
	B. Possible functions to be performed by a future international arrangement and mechanism	12–18	8
IV.	Options for future international arrangements and mechanisms	19–24	11
	A. Approach for identifying options	19–21	11
	B. Integrating elements, functions and options	22–24	12
V.	Analysis of options for an international arrangement and mechanism on forests	25–86	13
	A. Analytical framework	25–81	13
	Type I. An intergovernmental forum for policy deliberations	25–39	14
	Type II. A coordinating mechanism	40–54	16
	Type III. A programme for forest policy implementation	55–65	18
	Type IV. A legally binding instrument	66–81	20
	B. Estimated costs	82–86	23
VI.	Conclusions and proposals for action	87–94	24
	A. Conclusions	88–93	25
	B. Proposals for action	94	26

I. Introduction

1. Forests and other wooded lands, covering nearly one third of planet earth's land area, simultaneously provide a wide range of economic, social, cultural and environmental benefits and services. According to the Rio Declaration on Environment and Development[1] and the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests[2] (Forest Principles), negotiated at the United Nations Conference on Environment and Development (UNCED) in 1992, the overarching principles guiding international forest policy deliberations include:

- States have the sovereign right to utilize their resources to meet their national policy objectives;
- States have the right to economic development in accordance with their social, economic, environmental and political conditions;
- States have common but differentiated responsibilities regarding collective global interests and concerns related to forests;
- States have the responsibility to ensure that activities within their jurisdiction do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction;
- International cooperation should focus on building human and institutional capacity in developing countries to manage their forests sustainably.

2. The issue of international arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests has been central to the policy deliberations and negotiations held by the Intergovernmental Panel on Forests (IPF) and Intergovernmental Forum on Forests (IFF). This issue also integrates, in a broader context, the Forest Principles and Agenda 21[3] negotiated at UNCED; all the components of the programmes of work of IPF and IFF, including the possible elements or areas of priority concern; and the possible functions that a given international arrangement and mechanisms should perform. Furthermore, IPF also recognized that:

- At present, there is no global instrument that deals with all types of forests in a comprehensive and holistic manner;
- Reaching consensus and engaging in further action to address the issues of priority concern requires a step-by-step approach conducted in a transparent and participatory manner.

3. An international regime may be defined as a set of agreed principles and policies governing the actions of those involved in specific activities or a set of activities. Based on this working definition, the IFF deliberations on programme element III can be considered as one of the culminating phases of the international cooperative efforts, aimed at establishing consensus on an international regime on all types of forests. Collectively, the Forest Principles, chapter 11 of Agenda 21 and the IPF/IFF proposals for action constitute the main set of agreed principles and policies that guide the actions of those involved in forest activities at the national, regional and global levels. Beyond 2000, the process concerning future intergovernmental arrangements and mechanisms will be determined largely by the recommendations of IFF at its fourth session and the decision adopted by the Commission on Sustainable Development at its eighth session. Whatever the results, it is important to recognize that the foundation for an international regime on forests has already been established.

4. The following documents previously prepared for IPF and IFF are relevant to the present report:

(a) Reports of the Secretary-General on IPF programme element V.2 (International organizations and multilateral institutions) (E/CN.17/IPF/1996/24 and E/CN.17/IPF/1997/5);

(b) Reports of the Secretary-General on IFF programme element II.e (Forest-related work of international and regional organizations) (E/CN.17/IFF/1998/5 and E/CN.17/IFF/1999/15);

(c) Reports of the Secretary-General on IFF programme element III (International arrangements and mechanisms to promote the management, conservation and sustainable development of all types of forests) (E/CN.17/IFF/1998/9 and E/CN.17/IFF/1999/16).

5. The present report is supported by two companion documents: a note by the Secretariat on priority forest policy issues (E/CN.17/IFF/2000/2) and a note by the Secretariat on elements and functions for a future international arrangement and mechanism (E/CN.17/IFF/2000/3). The two notes by the Secretariat are not intended for deliberations and negotiations by the Forum and were prepared to provide background information to assist Governments in their deliberations during the fourth session of IFF.

6. As requested by the Forum, the present document focuses on the analysis of various options for an intergovernmental institutional arrangement and mechanism on forests. Section II describes the consultations undertaken during the preparation of this documentation. Section III contains a brief overview of possible elements and functions. Section IV describes the approach used to identify options according to the four principal functions ((a) policy development, (b) coordination, (c) policy implementation and (d) provision of legislative authority) and four types of international arrangements and mechanisms, (type I, an intergovernmental forum for policy deliberations; type II, a coordinating mechanism; type III, a programme for forest policy implementation; and type IV, a legally binding instrument). Section IV concludes with a brief review of the four types of international arrangements and mechanisms comprising 10 options. Section V contains a detailed analysis of the four types of international arrangements and mechanisms on forests encompassing the 10 options. Each option is described according to a common analytical framework to facilitate comparison. The working definitions of terms used in the present report are described in box 1.

7. Section VI concludes with proposals for action on programme element III, including the main policy decisions that the Forum may wish to recommend for decision by the Commission on Sustainable Development at its eighth session. As stated in its mandate, based on that report and depending on the decision taken by the Commission at its eighth session, the Forum will engage in further action on establishing an intergovernmental negotiation process on new arrangements and mechanisms or a legally binding instrument on all types of forests.

II. Preparations for the fourth session of the Forum

A. Guidance from the third session

8. The Forum, at its third session, requested an analysis of various options for international arrangements and mechanisms to further develop international forest policy deliberations for action in order to promote the management, conservation and sustainable development of all types of forests, focusing on the ability of these options to effectively

perform functions to address elements and estimate the costs of such options. The Forum also requested that this analysis take into account the work of existing organizations and instruments and country-led initiatives, and include at least the following options or a combination of them:

- A mechanism for improved coordination of existing arrangements;
- Ongoing ad hoc intergovernmental dialogue;
- A new permanent forum for intergovernmental dialogue;
- Improvement of non-legally binding instruments;
- A lead body role for an existing organization;
- Use of existing legally binding instruments;
- Regional mechanisms;
- A framework convention allowing for regional mechanisms;
- A new global legal instrument.

Box 1
Working definitions of terms used in the text

Arrangement and mechanism	An intergovernmental institutional arrangement involving one or more organizations, instruments or mechanisms, established to achieve a policy objective(s). *Examples*: FAO, ITTO, WHO, GEF etc.
Element	An area of priority concern and a principal component of the international agenda for action on forests; a possible component of the future programme of work of an arrangement or mechanism. *Examples*: national forest programmes, forest conservation, criteria and indicators etc.
Principal function	Activities performed by an institution or organization to attain its policy objectives. *Example*: "policy development" as a "principal function" of a forum for policy deliberations.
Supportive function	An activity performed by an institution in support of its principal function(s). *Example*: reporting on progress to support the principal function of policy implementation.

B. Inputs received during preparation of documentation for the fourth session

9. The present report and the above-mentioned notes by the Secretariat, were prepared in consultation with members of the Inter-Agency Task Force on Forests (ITFF). Very valuable suggestions, including submissions from various Governments in accordance with the request made at the third session of IFF, were also considered. During the preparation of documentation for the fourth session, the IFF secretariat also benefited from the useful work done under the Costa Rica-Canada initiative, in particular from the outcomes of eight regional consultations held before the end of October 1999, as well as the South Pacific meeting organized by Australia and co-sponsored by Fiji and New Zealand. As a consequence of these inputs, the following additional option was identified for inclusion in the analysis:

- Establish and implement a programme for forest policy implementation.

III. Overview of main elements and functions

A. Possible elements for international action on forests

10. A review of the Forest Principles and chapter 11 of Agenda 21, as well as other chapters of Agenda 21 that include references to forests, indicates a remarkable degree of consistency on elements or areas of priority concern deliberated by Governments during the IPF/IFF process. The various elements, constituting the intergovernmental deliberations on forests, cover a wide spectrum of issues and include areas of priority concern to both developing and developed countries, as well as to both countries richly endowed with forests and those with scarce forest cover. While national forest policy and practices are no longer isolated from global considerations, many regional and global perspectives today also take into consideration the state of forests at the national level. During the past decade, there has been a clear evolution towards a sharper definition of issues and more concrete proposals for action at the national, regional and global levels.

11. Based on the guidance provided by IFF at its third session, as well as a review of forest-related deliberations at UNCED and IPF, 16 elements appear to constitute the areas of priority concern that may be initially addressed by any future international arrangement and mechanism (see box 2). While the proposed list of elements includes 16 generic elements, some items may be added or deleted by the Forum and/or the future international arrangement and mechanism. It is worth noting that all these elements have national, regional and global implications.

Box 2
Set of 16 elements based on UNCED, IPF and IFF deliberations on forests

1. Formulation and implementation of national forest programmes.
2. Promoting public participation.
3. Combating deforestation and forest degradation.
4. Traditional forest-related knowledge.
5. Forest-related scientific knowledge.
6. Forest health and productivity.
7. Criteria and indicators of sustainable forest management.
8. Economic, social and cultural aspects of forests.
9. Forest conservation and protection of unique types of forests and fragile ecosystems.
10. Monitoring, assessment and reporting, and concepts, terminology and definitions.
11. Rehabilitation and conservation strategies for countries with low forest cover.
12. Rehabilitation and restoration of degraded lands, and the promotion of natural and planted forests.
13. Maintaining forest cover to meet present and future needs.
14. Financial resources.
15. International trade and sustainable forest management.
16. International cooperation in capacity-building, and access to and transfer of environmentally sound technologies to support sustainable forest management.

B. Possible functions to be performed by a future international arrangement and mechanism

12. Any future international arrangement and mechanism established to deliberate forest policy would need to employ a toolbox that includes a range of policy instruments to attain its strategic objectives. Based on the guidance provided by IFF at its third session, as well as comments received from various countries and a review of the forest-related deliberations of UNCED, IPF and IFF, it is possible to identify four types of overarching principal functions: (a) policy development; (b) coordination; (c) policy implementation; and (d) provision of legislative authority. These principal functions encompass the 16 supporting functions, identified by IFF at its third session, that may be performed by a future international arrangement and mechanism (see box 3). A crucial component common to most of these principal and supporting functions is that any future international arrangement and mechanism should also make provisions for an open and transparent participatory process that includes all stakeholders.

13. It is important to recognize that the four principal functions and their supporting functions are fundamental to any future international arrangement and mechanism

recommended by the Forum aimed at guiding forest policy actions at the national, regional and global levels. In any international arrangement and mechanism, the four principal functions would be closely interrelated and interdependent in practice. Furthermore, the four principal functions can be combined and performed with a different degree of emphasis in a different international arrangement and mechanism.

Brief description of the principal functions

14. The scope of the four principal functions identified in paragraph 12 are further elaborated below.

Policy development

15. The policy development function would be performed in an intergovernmental forum that would facilitate an exchange of experience, share information, discuss issues of common concern and define appropriate approaches to achieve sustainable forest management. While significant progress has been made by the intergovernmental policy deliberations on various programme elements during the UNCED process and the IPF/IFF process, new emerging forest and forest-related issues will require further deliberations in years to come. This could entail continuation of forest policy development, establishment of priorities, and periodical meetings of ministers responsible for forests to provide political engagement, policy guidance and continue dialogue with major groups.

Box 3
Four principal functions and their associated supporting functions

Policy development

- Elaborating objectives for the global forest policy framework.
- Identifying priority areas for action and addressing emerging issues.
- Exchanging information and experiences, discuss common concerns.
- Programming further global and regional actions.
- Developing of criteria and indicators of sustainable forest management.

Coordination

- Contributing to synergies and identifying and securing coordination and collaboration.
- Enhancing international and regional cooperation.
- Promoting a common understanding of key concepts, terms and definitions.
- Agreeing on global principles of sustainable forest management.

Policy implementation

- Improving effectiveness, efficiency and coordination of bilateral and multilateral assistance.
- Supporting forest policy reform processes.
- Ensuring predictable and sustained funding.
- Supporting the efforts and responding to the needs of developing countries.
- Assessing, reviewing and reporting on progress.

Provision of legislative authority

- Strengthening the level of commitment to implementation.
- Securing political commitment.
- Providing effective governance.

Coordination

16. As reviewed by IFF at its second session (see E/CN.17/IFF/1998/5 and E/CN.17/IFF/1998/11) and at its third session (see E/CN.17/IFF/1999/15) over 20 instruments and about 40 multilateral organizations are engaged, directly or indirectly, in addressing forest and forest-related issues. For efficient and effective use of human, scientific, technical and financial resources, it would be necessary to improve the coordination of policies and activities on forest issues as well as of the forest-related work undertaken by international organizations and instruments. There is also a need to facilitate the comparability of concepts, terminology and definitions in order to articulate effective responses by appropriate international institutions and instruments.

Policy implementation

17. During the IPF/IFF process, intergovernmental deliberations on sustainable forest management have been evolving from principles to practice, i.e., from policy formulation to policy and programme coordination and implementation. The success of an intergovernmental policy process would be determined by the level of political commitment to implement agreed decisions at the subnational, national, regional and global levels. Policy implementation will require a significant increase in both domestic and international as well as public and private funding to build capacity and support sustainable forest management. This could be facilitated by establishing and implementing a comprehensive and cohesive world programme for forest policy implementation on all types of forests. Other important tasks under this function would include having ministers responsible for forests periodically review and assess progress in implementing sustainable management of all types of forests.

Provision of legislative authority

18. This function embraces a wide range of matters, including accountable commitments to policy development and implementation, the status of negotiated agreements and political endorsement. A future international arrangement and mechanism would need to agree and define the negotiation procedures, degree of formality and status of political endorsements, as well as levels of commitment and obligatory reporting to monitor progress at the national, regional and global levels.

IV. Options for future international arrangements and mechanisms

A. Approach for identifying options

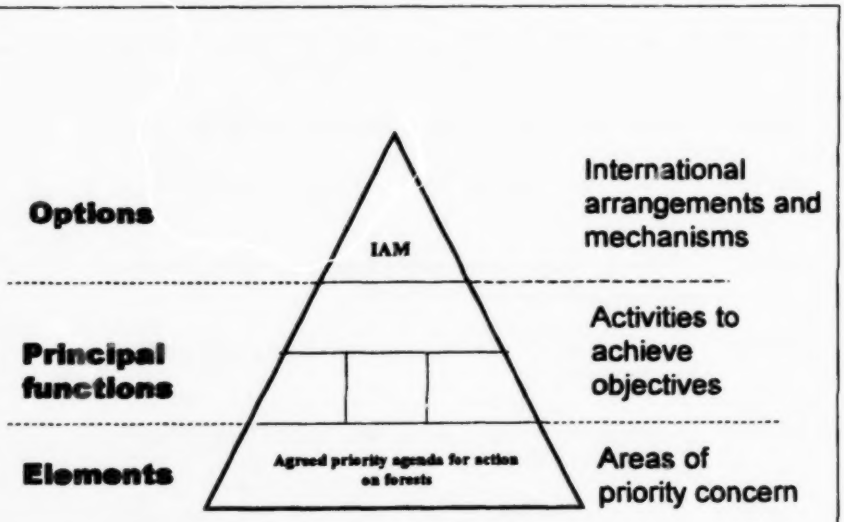
19. In response to the guidance provided by IFF at its third session, the following approach is proposed for identifying options for an international arrangement and mechanism. First, all options would involve employing a combination of four principal functions. Second, while each option for any future international arrangement and mechanism would encompass all four principal functions, at least one principal function would perform a dominant role. Third, based on the four principal functions, the 10 identified options may be grouped into four types of arrangements and mechanisms.

20. Taking into account the work of existing organizations and instruments and the outcomes from country-led initiatives, the Forum may wish to consider the model presented in the figure to facilitate the identification of possible options for an international arrangement and mechanism. This model is based on:

(a) The set of 16 elements (see box 2);

(b) The four principal functions (see box 3);

(c) The four types of arrangements and mechanisms (see box 4).



Model for the identification of possible options for an international arrangement and mechanism (IAM), based on principal functions to be performed to address agreed areas of priority concerns

21. This model has been prepared to simplify the menu of possible arrangements and mechanisms, and to facilitate the Forum in determining the format of an international arrangement and mechanism. It shows the important role of a dominant principal function in identifying an option. The four types of international arrangements and mechanisms encompassing 10 possible options are presented in accordance with this model in box 4.

Box 4
Four types of international arrangements and mechanisms on all types of forests, and their associated dominant principal functions and options

Type I. *An intergovernmental forum for policy deliberations (dominant principal function: policy development)*

Option 1. Continue ongoing ad hoc intergovernmental forest policy deliberations.

Option 2. Establish a new permanent intergovernmental forum for forest policy deliberations.

Type II. *A coordinating mechanism (dominant principal function: coordination)*

Option 3. Establish a mechanism for improved coordination of existing arrangements on forests.

Option 4. Mandate lead body role to an existing forest-related organization.

Type III. *A programme for forest policy implementation (dominant principal function: policy implementation)*

Option 5. Improve non-legally binding instruments on forests.

Option 6. Establish and implement a programme for forest policy implementation.

Type IV. *A legally binding instrument (dominant principal function: provision of legislative authority)*

Option 7. Extend the scope of existing forest-related legally binding instruments.

Option 8. Restructure existing or create new regional legally binding instruments on forests.

Option 9. Negotiate a framework convention on forests, allowing for regional protocols.

Option 10. Negotiate a new legally binding instrument on all types of forests.

B. Integrating elements, functions and options

22. The model presented in the figure suggests that the elements presented in box 2 would constitute the basis for the programme of work of whatever option of a future international

arrangement and mechanism is identified. It is recognized that this core generic set of elements is likely to evolve in response to emerging issues and shifting priorities. In addition, any future international arrangement and mechanism selected by the Forum would also perform the four principal functions and supporting functions defined in box 3. The arrangement of principal functions would then determine the design of international arrangements and mechanisms. For example, if the policy development function plays a dominant role, the option for the international arrangement and mechanism would be: option 1 (Continue ongoing ad hoc intergovernmental deliberations) or option 2 (Establish a new permanent intergovernmental forum for policy deliberations). Similarly, if the dominant role is played by the policy implementation function, the options would be option 5 (Improve and implement legally non-binding instruments on forests) or option 6 (Establish and implement a programme for forest policy implementation).

23. The 10 options presented in box 4 for a possible future international arrangement and mechanism are not entirely mutually exclusive. Several complement each other and new combinations can be formulated in order to assign dominant roles to more than one principal function. For example, the policy development function under option 2 (Establish a new permanent intergovernmental forum for policy deliberations) could also be embodied under option 6 (Establish and implement a programme for forest policy implementation), whose dominant function is policy implementation. In such a case, the formulation phase of the action programme would require active policy deliberations in a forum for setting priorities, and the implementation phase would need a forum for assessing, reviewing and reporting on progress.

24. The four types of international arrangements and mechanisms and the 10 possible options identified in the present report should be considered only as illustrative examples of the many possible combinations towards an international arrangement and mechanism that can be formulated at this stage of the negotiations in the IPF/IFF process. This approach is flexible and would allow the international arrangement and mechanism to evolve and respond to changing needs and circumstances, as well as to undertake more accountable commitments to policy development and implementation.

V. Analysis of options for an international arrangement and mechanism on forests

A. Analytical framework

25. A common analytical framework has been applied to describe each option, including the four principal functions and two major factors — institutional and financial implications.

26. To facilitate the analysis and comparison of the various options and identify their possible combination, a detailed description of the four types of arrangements and mechanisms encompassing the 10 identified options is set out below.

Type I. An intergovernmental forum for policy deliberations

Dominant principal function

Policy development

Options

1. Continue ongoing ad hoc intergovernmental forest policy deliberations.

2. Establish a new permanent intergovernmental forum for forest policy deliberations.

Policy development function

27. Policy development would be the dominant principal function, for both options 1 and 2, and would involve providing a forum for intergovernmental forest policy deliberations. Under option 1, policy deliberations would continue by extending the duration of IFF and give it a set of clearly defined functions. Under option 2, policy deliberations would continue through the establishment of a new permanent forum as a successor to the IPF/IFF process, under the aegis of the Commission on Sustainable Development and the Economic and Social Council.

28. In both cases, the mandate would be established by the Commission at its eighth session, following the recommendations of IFF at its fourth session. This mandate could include elements similar to those defined for the IPF/IFF process, such as:

(a) To pursue consensus and formulate options for further actions to combat deforestation and forest degradation and to promote the management, conservation and sustainable development of all types of forests;

(b) To promote cross-sectoral action at the national and international levels consistent with the forest principles;

(c) To identify needs for international cooperation towards the management, conservation and sustainable development of all types of forests;

(d) To provide a high-level forum for interested parties to exchange experiences, discuss concerns, agree on conclusions, and provide proposals for action to achieve sustainable forest management. Periodic meetings of ministers responsible for forests could be desirable for priority setting, policy guidance and political commitments.

Coordinating function

29. Under both options, the high-level forum would coordinate the proposals for action addressed to the forest-related work of international and regional organizations and under existing instruments, as well as through the coordination of work performed by ITFF.

Policy implementation function

30. The implementation of proposals for action adopted by the forum would be the responsibility of countries, international and regional organizations, existing instruments, the private sector and the major groups.

31. The main mechanism for the implementation of the proposals for action would be national forest programmes and land-use plans, assisted by members of ITFF, and supported by bilateral and multilateral financial agencies, as well as bilateral assistance programmes.

32. As in the IPF/IFF process, the new forum would facilitate the participation of all interested parties, including Governments, international and regional intergovernmental bodies, international organizations, non-governmental organizations, the private sector and major groups.

Provision of legislative authority

33. Under both options, the intergovernmental conclusions, proposals for action and decisions adopted by the forum would not be legally binding. However, the legislative authority would be provided by proposals for action, Commission decisions, and by Economic and Social Council and General Assembly resolutions, as appropriate.

Institutional implications

34. No additional governing body would be required under these two options. No major institutional implications would be envisaged with other existing organizations and instruments, except the need to recognize the forum as an ad hoc intergovernmental forum (option 1) or as a new permanent subsidiary body under the Commission/Council structure (option 2).

35. Both options would require periodic, at least annual intergovernmental meetings. Consideration could be given to hold periodic (for example, every three years) meetings of ministers responsible for forests to renew political engagement and commitments, for political guidance and to review progress.

36. Options 1 and 2 would require the establishment of a small secretariat similar to that of IPF/IFF, hosted by the Department of Economic and Social Affairs of the United Nations Secretariat or any other member of ITFF.

Financial implications

37. Both options have programme budget implications. The sources of funds for option 1 might also be covered either by voluntary contributions and/or from the regular United Nations budget. In case of option 2, the funds for the operation of a permanent forum would come from the regular budget of the United Nations and/or from the member of ITFF who is hosting the secretariat, including secretariat staff and all related operational costs. Major activities would involve travel of participants from developing countries, substantive support and conference service requirements.

Follow-up action after the fourth session of IFF

38. If option 1 were adopted, the Commission at its eighth session might wish to request the Council to define the mandate, as appropriate, and the duration of IFF for a specified period. The fifth meeting of IFF could be convened in autumn 2000 to elaborate the new programme of work and operationalize other decisions adopted by the Commission at its eighth session.

39. Adoption of option 2 would require the Commission at its eighth session to request the Council or the governing body of another ITFF member to establish a permanent forum. The first organizational meeting of the permanent forum could be convened during the fourth quarter of 2000.

Type II. A coordinating mechanism

Dominant principal function

Coordination

Options

3. Establish a mechanism for improved coordination of existing arrangements on forests.

4. Mandate lead body role to an existing forest-related organization.

Policy development function

40. Option 3 would require that ITFF be used as the basis for the establishment of a new high-level, inter-agency coordination committee on forests. Policies would be developed mainly by the governing bodies of institutions as members of the Committee. Under this option, it would also have to be considered whether there is a need to continue ITFF itself. Policy formulation would be direct, through administrative policy guidelines of participating agencies. However, there would be limited direct participation by Governments in overall policy development.

41. Under option 4, policies would be developed primarily in the governing body of the lead organization. Inputs from governing bodies of other institutions should be encouraged. In both options 3 and 4, the provision of a forum for policy deliberation would be required to maintain dialogue on matters of mutual concern. Such a forum could be provided by any existing member of the Committee (option 3) or the governing body of the selected lead organization (option 4).

Coordination function

42. Coordination, the dominant principal function under options 3 and 4, would involve coordination at all levels, both for policy development and for policy implementation and operational programmes. However, a committee would be effective only if constituted at a high level, and if it involved those directly involved in policy formulation and programme implementation.

43. Under option 3, an existing institutional arrangement on forests could be assigned the responsibility to put into practice a formal (for example, Inter-Agency Commission on Sustainable Development (IACSD)-type high-level) mechanism to encourage improved coordination on forests and forest-related issues.

44. Option 4 would require assigning an existing organization with a strong programme on forests and forest-related matters the responsibility to lead the coordination of forest-related work of a large number of organizations and instruments.

Policy implementation function

45. The formal mechanism for coordination under option 3 implies the establishment of a collaborative and coordinated set of actions at the national, regional and global levels.

However, the request for implementation of actions will be addressed primarily to individual organizations and instruments.

46. Option 4 would involve the assignment of coordinating responsibility to an existing organization. This function would include catalysing, orchestrating and facilitating the implementation of an agreed international agenda on forests. It would also need the support of ITFF and other international organizations and instruments.

Provision of legislative authority

47. Under both options 3 and 4, the policy decisions adopted by the international organizations would not be legally binding. Under option 3, a memorandum of understanding and/or decisions by the governing bodies of organizations and instruments members of the Committee would be necessary to establish the formal mechanism.

48. Option 4 would require a decision from the governing body of the leading organization, accepting the responsibility of this new expanded role and instructing the head of the organization to implement the necessary administrative and programme arrangements.

Institutional implications

49. No additional governing bodies would be required under options 3 and 4. Option 3 would require establishing a small secretariat to service and undertake substantive analysis on priority issues, propose coordination and undertake follow-up action to support the coordinating mechanism. The secretariat would also assist member organizations in the implementation of agreed actions. Option 4 would involve the establishment of a new unit in the lead organization, equipped with appropriate financial and human resources, including costs for staff, meetings and operations.

50. Both options would require periodic, at least annual inter-agency meetings. Intergovernmental meetings to set priorities for guiding coordination efforts would have to be convened periodically at the global or regional levels. Implementation of either option 3 or 4 would require governing bodies of the organizations and instruments concerned to formally accept their participation in the coordinating mechanism.

Financial implications

51. Under option 3, the funding requirements for operations would be covered mostly from resources made available by the organizations and instruments that are members of the mechanism. However, there would be a need to also encourage voluntary contributions from countries to support the mechanism.

52. Under option 4, the funds for the operations of a new unit in an existing organization, assigned the lead responsibility to coordinate forest-related work, would come mainly from the regular budget of the organization concerned and subject to a decision by its governing body. Voluntary contributions from countries might be required for supporting specific activities, such as servicing intergovernmental meetings.

Follow-up action after the fourth session of IFF

53. If option 3 were adopted, the Commission on Sustainable Development, at its eighth session, through the Economic and Social Council, might wish to invite the governing bodies of ITFF members to authorize their secretariats and appropriate units to become involved in the establishment of a formal new mechanism, a high-level, inter-agency coordination committee on forests, with a specific mandate to coordinate the forest-related work of

existing organizations and instruments. It might also wish to encourage the Committee to use ITFF as the core group for establishing the mechanism and consider enlarging its membership by inviting other key organizations and instruments to join the mechanism.

54. Adoption of option 4 would require the Commission to request the Council to request the governing body of the organization selected to lead the coordination of forest-related work, to accept the lead role and include this function as a new mandate in its programme of work, and to report periodically on progress to the Commission/Council.

Type III. A programme for forest policy implementation

Dominant principal function

Policy implementation

Options

5. Improve non-legally binding instruments on forests.

6. Establish and implement a programme for forest policy implementation.

Policy development function

55. Under this type of arrangement, the policy development function would involve a periodic review of the non-legally binding instruments relevant to forests, including the Forest Principles, chapter 11 of Agenda 21, the IPF/IFF proposals for action, and such initiatives as the voluntary initiatives on criteria and indicators for sustainable forest management.

56. Both options would require an ad hoc or permanent forum (see options 1 and 2) for setting priorities for action through national, regional and global programmes and activities as the main focus for policy deliberations. Option 6 would require a forum to undertake deliberations to formulate a programme for forest policy implementation, monitor implementation and adopt decisions on major policy issues. Under this type of arrangement, it is also possible to envisage, as an option, the establishment of a new organization, with its own governing body.

Coordinating function

57. The coordination of policies and programmes of various institutions and instruments would be essential in any of the two options identified. Option 6 would provide an opportunity to launch a programme for forest policy implementation on all types of forests that could be implemented in a decentralized and coordinated manner by existing forest-related organizations and instruments.

Policy implementation function

58. The dominant principal function under both options would be the implementation of an action-oriented programme at the national, regional and global levels, primarily through a country-driven process.

59. The improvement of the non-legally binding instruments covered under option 5 would not involve a revision of their texts but instead focus on increasing their rate of implementation at the local, national, regional and global levels. In the context of policy implementation, such improvement would mean predictable and sustained funding for the implementation of concrete programmes and activities, or further evolution towards the establishment of a world forest action programme as presented under option 6. ITFF or the proposed formal committee proposed under option 3 above could become the core institutional group for assisting Governments in implementing a programme for forest policy implementation, included under option 6.

Provision of legislative authority

60. Under both options 5 and 6 policy decisions would be taken by an ad hoc or permanent forum (see options 1 and 2 above) or another designated body. Those decisions would not be legally binding. Option 6 would require a major decision from the Commission on Sustainable Development/Economic and Social Council or even the General Assembly to launch a new comprehensive programme for forest policy implementation on all types of forests, with specific institutional and financial arrangements to support its implementation and operations.

Institutional implications

61. Option 5 would have no major institutional implications. Option 6, if structured as a decentralized action programme, might not require the creation of a new bureaucracy or an institution, or any major institutional changes in existing international organizations and instruments. The implementation of a programme for forest policy implementation would be consistent with a well-defined set of roles and responsibilities for existing organizations and instruments. As in the case of ITFF, specific responsibilities to implement key areas of priority concern included in the agreed international forest agenda could be agreed upon by assigning leading roles on specific programme elements to different international and regional organizations and instruments. However, the establishment of a forum would be necessary, both for the formulation of such a programme and for monitoring progress in its implementation.

Financial implications

62. Options 5 and 6 have cost implications associated with conference services for forum meetings, substantive support and a small secretariat. The sources of funds for option 5 could be covered by new voluntary financial contributions from different sources provided to developing countries, ITFF members and other international organizations and instruments.

63. Option 6, in addition, implies the launching of a decentralized global programme on all types of forests, as defined by countries. In the implementation of such a programme, all ITFF members and other relevant forest-related international and regional organizations, as well as existing instruments, would participate as equal partners. The source of predictable and sustained funds would depend on contributions from Governments and the support of the lead agencies in charge of implementing different subprogrammes and/or activities. It might require the establishment of a special financial mechanism, such as a forest fund, or to insert sustainable forest management as a new priority in an existing global financial mechanism or facility.

Follow-up action after the fourth session of IFF

64. If option 5 were adopted, the Commission at its eighth session might wish to request the Council to invite the governing bodies of ITFF organization members and other relevant international organizations and instruments to insert the full implementation of the Forest Principles, chapter 11 of Agenda 21 and the IPF/IFF proposals for action as a priority in their next work programme and budget.

65. If option 6 were adopted, the Commission at its eighth session might wish to request the Council to invite Governments, the governing bodies and executive heads of ITFF organization members to initiate the preparation of a programme for forest policy implementation, as the immediate substantive follow-up of the IPF/IFF process. The elaboration of such a programme might take two to three years in order to facilitate maximum participation by Governments, NGOs, the private sector, international and regional organizations, existing instruments and major groups. It might require three or four sessions of any institution established as a successor of IFF (see options 1 and 2) to guide the preparation process as well as to revise successive drafts of the proposed programme. A proposal for a programme for forest policy implementation could be presented for the consideration and approval of Governments in early 2002, for further presentation for adoption by the Commission at its tenth session, in April 2002 (10-year review of UNCED). Full implementation with appropriate provision of funding could start in January 2003.

Type IV. A legally binding instrument

Dominant principal function

Provision of legislative authority

Options

7. Extend the scope of existing forest-related legally binding instruments.

8. Restructure existing or create new regional legally binding instruments on forests.

9. Negotiate a framework convention on forests, allowing for regional protocols.

10. Negotiate a new legally binding instrument on all types of forests.

Policy development function

66. All four options noted above would provide a forum for policy formulation on current and emerging forest issues through deliberations of their conferences of parties. Policy development would follow the already agreed objectives and principles in the instrument concerned. The text of each instrument would also contain the fundamental rules and obligations of a substantive as well as of a procedural character.

67. Under option 7, the main focus would be on forest-related issues under an existing instrument formulated to address other global issues (e.g., combating desertification or climate change), which might not necessarily be an issue aimed specifically at forests. Under

option 8, policies would be developed with a focus on regional forest issues. Under options 9 and 10, policy development would focus more at the global level, with special reference to regional protocols in case of option 9. The protocols would elaborate and specify the objectives and principles of the framework convention, i.e., by setting up specific obligations related to an issue, or might provide a region-oriented context as well as take into account existing regional processes and instruments.

Coordinating function

68. Under options 8 to 10, the conferences of parties would foster their coordination of tasks through decisions aimed to establish synergies with other existing instruments and international and regional organizations, as well as to influence the programme of work of those institutions. The conferences of parties could also establish either ad hoc or formal coordinating mechanisms to improve efficiency and effectiveness in the implementation of their adopted work programmes and planned activities.

69. One of the important tasks under any of options 8 to 10 would be to establish effective collaboration and coordination for elaborating forest-related concepts, terminology and definitions that would become part of the negotiated and agreed text of any of the four types of legally binding instruments.

Policy implementation function

70. These four options would include an agreement to implement a programme of work, adopted by the various conferences of parties concerned.

71. Under option 7, it is implicit that the programme of work of a "protocol on forests" would be an instrument attached to the ongoing programmes of work of existing forest-related conventions. Under option 8, regional arrangements would involve a number of separate programmes of work that are regionally oriented and initiated as a number of regional or subregional conventions on forests, without reference to global responsibilities and global forest issues of common interest. Although option 9 implies mainly a new framework convention on all types of forests, it leaves open the possibility for subsequent negotiations to formulate a series of regional programmes of work, to be included as regional protocols or "attached instruments" to a global framework convention on all types of forests.

72. The protocol approach means that issues of a global nature and which require implementation measures by all countries at the national level would be addressed in the framework convention. The protocols could deal with such issues as the need to promote regional standards or regional approaches to the management, conservation and sustainable development of forests, and the need to address a limited number of specific issues in a more comprehensive way. Option 10, as a new convention on all types of forests, would have its own global programme of work, formulated by taking into account the programme of work of other relevant conventions, and would encompass all the different possibilities and characteristics identified under options 8, 9 and 10 involving actions at the global, regional, national and local levels.

Provision of legislative authority

73. **The dominant principal function under options 8 to 10 would be the formulation and application of a legally binding instrument on all types of forests, either attached to an existing instrument or as new instruments designed for specific negotiation and implementation at the regional or global levels.**

74. The main legislative authority under these four options would be based on the text of a legal instrument signed and ratified by all parties concerned. The policy directions for the implementation of the work programme and other related policy actions and decisions would be adopted by the conferences of the parties at periodic meetings or by another institutional arrangement designated by the parties.

Institutional implications

75. Option 7 would imply the establishment of a special working group within the conferences of parties concerned, to work for at least two years, with a specific mandate to elaborate a protocol on forest-related issues (for example, on forest-related biodiversity issues under the Convention on Biological Diversity or on forest-related climate change issues under the United Nations Framework Convention on Climate Change. Such a protocol would be further presented for the consideration and approval of the conferences of parties of conventions concerned, and if adopted would be inserted as an attached instrument to the existing instrument. Before entering into force, the protocol would also require signature and further ratification by all parties. The secretariats of existing instruments would need to be expanded to recruit new staff to administrate and service the implementation of the forest protocol attached to individual instruments. Furthermore, separate special meetings of parties would be required, as in the case of the Montreal Protocol to the Vienna Convention for the Protection of the Ozone Layer, the Kyoto Protocol to the United Nations Framework Convention on Climate Change or the Biosafety Protocol to the Convention on Biological Diversity.

76. Option 8 would require the launching of a series of parallel regional processes, during a period of one or two years, consisting of the establishment of an equal number of regional negotiating committees for the elaboration of regional instruments on forests. Such committees would need to meet at least three times every six or eight months to negotiate and review the draft texts of the regional instruments. Each of these processes would culminate with a regional intergovernmental meeting for the adoption and signature of a regional instrument and the establishment of a regional conference of parties. Servicing of each of these regional processes could be based on any existing regional intergovernmental institutions; otherwise, the regional commissions, an existing regional intergovernmental body or an existing instrument would be required to act as secretariat.

77. Options 9 and 10 would require the establishment, within the United Nations system, of an intergovernmental negotiating committee by the General Assembly as the successor to IFF. The main task of such a committee, in both cases, would be to initiate the elaboration and negotiation of a legally binding instrument on all types of forests. The first organizational meeting of the committee could take place in autumn 2000. Both options imply a period of intergovernmental negotiations and revisions of successive draft texts of a convention for at least two to three years. Under both options, the committee would need to meet twice a year during 2001 and 2002, and could culminate with a United Nations conference on all types of forests to revise, adopt and sign a global convention on all types of forests in 2003.

Financial implications

78. The formulation and negotiation process of the four options 7 to 10 have programme budget implications and would require a substantive amount of resources. Option 8 might require additional resources if it were decided to have protocols on forests attached to more than one existing instrument (for example to the above-mentioned Conventions and to the World Trade Organization (WTO)). Option 8 would also involve additional resources if

more than five or six regional and/or subregional instruments were negotiated. Some savings could be made in the preparation of documentation and interpretation services if fewer United Nations official languages were used. Options 9 and 10 would require full coverage by a United Nations special secretariat, and preparation of documentation, planning and negotiations in all six official languages of the United Nations. Under these four options, the establishment of financial mechanisms for supporting the implementation of the work programme of the instrument concerned would also have to be considered.

Follow-up action after the fourth session of IFF

79. If option 7 were adopted, the Commission on Sustainable Development at its eighth session might wish to request the General Assembly to invite the conferences of parties of existing instruments concerned, identified as relevant by IFF at its fourth session, to initiate the preparation of special protocols on forests and report to the Commission on progress.

80. If option 8 were adopted, the Commission on Sustainable Development at its eighth session might wish to request regional intergovernmental bodies to initiate the preparation of regional legally binding instruments on forests and report to the Commission on progress.

81. If options 9 or 10 were adopted, then the Commission on Sustainable Development at its eighth session might decide to request the Economic and Social Council to establish an international negotiating committee for a framework convention on all types of forests, as the successor of IFF supported by the United Nations regular budget, securing inter-agency cooperation and including a substantive secretariat attached to the Department of Economic and Social Affairs or another selected United Nations body or other intergovernmental bodies. The first organizational meeting of the committee could be convened either in New York or at Geneva, no later than autumn 2000.

B. Estimated costs

82. During the IPF/IFF process, total costs have been met through provisions for conference-servicing by the United Nations; voluntary contributions from Governments to the IPF/IFF Trust Fund; and in-kind contributions from ITFF members.

83. With regard to estimated costs for each option, the Forum may wish to note that all options for establishing an international arrangement and mechanism will have cost implications, depending on mandate, modalities of operation, location and programme of work. In case the Commission at its eighth session decides to establish an international arrangement and mechanism, accurate cost implications would be attached in accordance with that decision.

84. The cost of any new international arrangement and mechanism will also be influenced by the function that would play a dominant role. For example, if policy development is the dominant principal function, then a large part of its budget would be devoted to providing a forum and servicing of meetings; if coordination is the dominant principal function, then its budget would be allocated mainly to cover a forum for the meetings of an inter-agency coordination committee on forests and for consulting appropriate partners and experts; and if the dominant principal function is policy implementation, then its budget would focus on a forum for the formulation of priorities, an action programme and the implementation of such a programme. However, the possibility of combining two or more options and the performance of their dominant principal functions may lead to more effective and efficient use of resources and operations, and provide an opportunity for creating synergies and substantial savings by achieving economies of scale. For example, if options 2, 3 and 6 are

combined, there would be some savings in costs of Professional staff and support service engaged by the secretariat to service policy development, coordination and implementation.

85. At the present stage, it is not possible to make an estimation of the costs associated with any particular option for a future international arrangement and mechanism. As noted above, the administrative, personnel and servicing costs of the new arrangement and mechanism would largely depend on its mandate, modalities of operation, location and programme of work. However, for illustrative purposes, the Forum may wish to consider the following as indicative figures related to basic administrative, personnel and servicing costs for which provisions should be made.

	Thousands of US$ year
Administrative and personnel	
Secretariat (core staff of 8 Professionals + 3 General Service + 1 Administrative Assistant), salaries and benefits, based in New York	1 700
Staff travel	200
Senior Consultants	72
Subtotal	**1 972**
Servicing costs	
Servicing meetings (One international meeting of 10 days, two meetings per day, held at United Nations premises. Includes translators, editors, interpreters, documents in six official languages, equipment and meeting room facilities.)	350
Participation of representatives from developing countries	180
Subtotal	**530**
Total	**2 502**

86. The actual size of the secretariat and associated costs would depend on the type of arrangement and/or mechanism selected. It is suggested that whatever institutional arrangement and/or mechanism is selected, it should be supported by a strong inter-agency cooperation and voluntary contributions from Governments for implementing its programme of work. It is also suggested that the new arrangement and mechanism be serviced by a small inter-agency type of secretariat constituted by senior experts in different forest and forest-related issues. This type of secretariat, engaging and representing the expertise and knowledge of forest and forest-related organizations and instruments, has been very successful in securing inter-agency cooperation to service the IPF/IFF process. The Forum may wish to consider the advantages of continuing with this type of secretariat to service any new arrangement and/or mechanism.

VI. Conclusions and proposals for action

87. The text presented below has been prepared to assist intergovernmental deliberations during the fourth session of IFF on possible conclusions and proposals for action by IFF on programme element III.

A. Conclusions

88. The Forest Principles, chapter 11 of Agenda 21, the IPF proposals for action and the IFF deliberations, as well as many other initiatives, have all recognized the need to address forest-related issues in an integrated and comprehensive manner, and have emphasized that there are many complex and interrelated issues that either directly or indirectly affect forests. Deliberations on programme element III, at the second and third sessions of IFF, concluded that there is no global instrument that deals with all types of forests in a comprehensive and holistic manner.

89. The deliberations of instruments, mechanisms and programmes of the existing international forest regime are rather isolated from each other and fragmented in their implementation. There is a need for sustained partnership and strong political commitment to fully implement the existing programmes, mechanisms and instruments, which to date have produced only partial results.

90. Collectively, all the elements included in the Forest Principles, chapter 11 of Agenda 21 and the IPF/IFF programme of work constitute the basis for the international agenda for action on forests and reflect the areas of priority concern required to assess, maintain, protect and restore all types of forests. Those generic elements will probably evolve in response to merging issues and shifting priorities. They also include the national and international cooperation necessary to address these concerns and could constitute the basis of a programme of work for future intergovernmental deliberations on forests.

91. IFF may also consider it appropriate to continue the intergovernmental deliberations on forests and forest-related issues in a new intergovernmental arrangement and mechanism on all types of forests. Such forest policy deliberations must involve political commitment and be high-level and action-oriented. The new intergovernmental arrangement and mechanism should include four principal functions: (a) policy development; (b) coordination; (c) policy implementation; and (d) provision of legislative authority, plus 16 supporting functions. A crucial component common to these principal and supporting functions is that any future international arrangement and mechanism should make appropriate provisions for an open, transparent and participatory process that includes all stakeholders. The mandate assigned to the new international arrangement and mechanism would be determined on the basis of which principal function or combination of functions is recommended by IFF at its fourth session for performing a dominant role.

92. The four types of international arrangements and mechanisms on forests and the 10 possible options identified above are only illustrative examples of the many possible combinations that could be formulated. If a new international arrangement and mechanism on all types of forests is established, it would probably evolve and respond to future changing needs and circumstances, and undertake more accountable commitments to policy development and implementation.

93. The secretariat established to service the new international arrangement and mechanism could be based on the inter-agency cooperation successfully employed to service the IPF/IFF process.

B. Proposals for action

94. The Forum may wish to:

(a) Request the Commission on Sustainable Development at its eighth session to consider the establishment of a new international arrangement and mechanism to promote the management, conservation and sustainable development of all types of forests, based on a mandate which the Forum may wish to draft at its fourth session for transmission to the Commission attached to the present request;

(b) Request the Commission at its eighth session to invite the Forum to convene a fifth session in autumn 2000 in order to follow up the decision of the Commission on this matter;

(c) Request the international organizations and instruments members of the Inter-Agency Task Force on Forests to continue their support to the proposed new arrangement and its secretariat.

Notes

[1] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992*, vol. I, *Resolutions Adopted by the Conference* (United Nations publication, Sales No. E.92.I.8 and corrigendum), resolution 1, annex I.

[2] Ibid., annex III.

[3] Ibid., annex II.